# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

ARTHROCARE CORPORATION,

Plaintiff,

C.A. No. 01-504-SLR

v.

SMITH & NEPHEW, INC.

Defendant.

SMITH & NEPHEW, INC.,

Counterclaim Plaintiff,

v.

ARTHROCARE CORPORATION, AND ETHICON, INC.,

Counterclaim Defendants.

#### JURY YERDICT

We, the jury, unanimously find as follows:

# I. INFRINGEMENT OF ARTHROCARE'S PATENTS

#### A. The '536 Patent

#### Direct Infringement by Smith & Nephew of the '536 Patent

1. Do you find that Arthrocare has shown by a preponderance of the evidence that Smith & Nephew has directly infringed any of the following claims of the '5361 atent with its Saphyre, ElectroBlade, or Control RF products? ("YES" answers to these questions are findings for ArthroCare. "NO" answers are findings for Smith & Nephew.)

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<b>'536</b>	46	YES NO	YES NO	(YES) NO
<b>'536</b>	47	YES NO	YES NO	YES NO
<b>'536</b>	56	YES NO	YES NO	YES NO

#### Inducement of Infringement by Smith & Nephew

2. Do you find that Arthrocare has shown by a preponderance of the vidence that Smith & Nephew has induced infringement by others of any of the following clai us of the '536 patent with its Saphyre, ElectroBlade, or Control RF products? ("YES" answers these questions are findings for ArthroCare. "NO" answers are findings for Smith & N phew.)

· Printer	Circon	September 1	Massatteris	Carling Re
<b>'</b> 536	46	YES NO	YES NO	YES NO
<b>'</b> 536	47	YES NO	YES NO	YES NO
<b>'</b> 536	56	YES NO	YES NO	YES NO

# C ntributory Infringement by Smith & Nephew

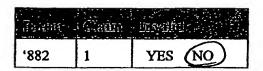
3. Do you find that Arthrocare has shown by a preponderance of the evidence that Smith & Nephew has contributed to the infringement any of the following claim: of the '536 patent with its Saphyre, ElectroBlade, or Control RF products? ("YES" answers to these questions are findings for ArthroCare. "NO" answers are findings for Smith & Mephew.)

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<b>'536</b> `	46	(YES) NO	YES NO	YES NO
<b>'536</b>	47	YES NO	YES NO	YES NO
<b>'536</b>	56	YES NO	YES NO	YES NO

#### B. The '882 Patent

## Validity of Arthr Care's Certificate f C rrecti nf r the '882 Patent

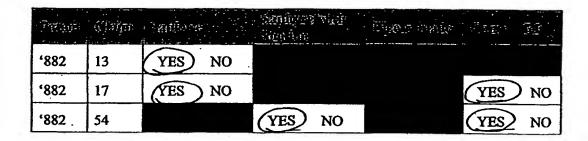
4. Do you find that Smith & Nephew has shown by clear and convincing evidence that the certificate of correction for claim 1 of the '882 patent is invalid? (A "YES" answer to this question is a finding for Smith & Nephew. A "NO" answer is a finding for ArthroCare.)



Answer questions 5-6 only if you have answered "NO" in question 4.

# Inducement of Infringement by Smith & Nephew of the '882 Patent

5. Do you find that Arthrocare has shown by a preponderance of the evidence that Smith & Nephew has induced infringement by others of any of the following claims of the '882 patent with its Saphyre or Control RF products? ("YES" answers to these questions are findings for ArthroCare. "NO" answers are findings for Smith & Nephew.)



# Contributory Infringement by Smith & Nephew of the '882 Patent

6. Do you find that Arthrocare has shown by a preponderance of the evidence that Smith & Nephew has contributed to the infringement of any of the following claims of the '882 patent with its Saphyre or Control RF products? ("YES" answers to these questions are findings for ArthroCare. "NO" answers are findings for Smith & Nephew.)

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<b>'882</b>	13	YES NO		
<b>'882</b>	17	YES NO		YES NO
<b>'882</b>	54		YES NO	YES NO

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#### C. The '592 Patent

# Inducement of Infringement by Smith & Nephew of the '592 Patent

7. Do you find that Arthrocare has shown by a preponderance of the evidence that Smith & Nephew has induced infringement by others of any of the following claims of the '592 patent with its Saphyre, ElectroBlade, or Control RF products? ("YES" answers to these questions are findings for ArthroCare. "NO" answers are findings for Smith & Nephew.)

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<b>'</b> 592	1	YES	NO	YES	NO	(YES)	NO
<b>'</b> 592	3	YES	NO	YES	NO	YES	NO
<b>'</b> 592	4	YES	NO	YES	NO	YES	NO
<b>'592</b>	11	YES	NO	YES	NO	YES	NO
<b>'</b> 592	21					YES	МО
<b>'</b> 592	23	(YES)	NO	YES	NO	YES	NO
<b>'</b> 592	26	YES	NO	YES	NO	YES	NO
<b>'</b> 592	27	YES	NO	YES	NO	YES	NO
<b>'</b> 592	32	YES	NO	YES	NO	YES	NO
<b>'</b> 592	42					YES	NO

## Contributory Infringement by Smith & Nephew of the '592 Patent

8. Do you find that Arthrocare has shown by a preponderance of the evidence that Smith & Nephew has contributed to the infringement of any of the following claims of the '592 patent with its Saphyre, ElectroBlade, or Control RF products? ("YES" answers to these questions are findings for ArthroCare. "NO" answers are findings for Smith & Nephew.)

Festi	Claur	Sapileic.		i Liganon	eni.	Cauted	TOT .
<b>'</b> 592	1	YES	NO	YES	NO	YES	NO
<b>'</b> 592	3	YES	NO ,	YES	NO	YES	NO
<b>'</b> 592	4	YES	NO	YES	NO	YES	NO
<b>'</b> 592	11	YES	NO 4	YES	NO	YES	NO
<b>'</b> 592	21					(YES)	NO
<b>'</b> 592	23	YES	NO	YES	NO	YES	МО
<b>'</b> 592	26	YES	NO	YES	NO	YES	NO
<b>'</b> 592	27	YES	NO	YES	NO	YES	NO
<b>'</b> 592	32	XES	NO	YES	NO	YES	NO
<b>'</b> 592	42					YES	NO

#### II. VALIDITY OF ARTHROCARE'S PATENTS

# A. Anticipation of ArthroCare's Patents

9. Do you find that Smith & Nephew has shown by clear and convincing evidence that the following claims of the patents-in-suit are invalid due to anticipation? (A "YES" answer to this question is a finding for Smith & Nephew. A "NO" answer is a finding for ArthroCare.)

The '536 Patent

	A COLUMN COLUMN
Claim 46	YES (NO)
Claim 47	YES (NO)
Claim 56	YES (NO)

#### The '882 Patent

	Au Cit	TIPUEDI -
Claim 13	YES	(NO)
Claim 17	YES	TOP
Claim 54	YES	(NO)
		(

The '592 Patent

	Amienaled
Claim 1	YES (NO)
Claim 3	YES (NO)
Claim 4	YES (NO)
Claim 11	YES (NO)
Claim 21	YES (NO)
Claim 23	YES (NO)
Claim 26	YES (NO)
Claim 27	YES (NO)
Claim 32	YES (NO)
Claim 42	YES (NO)

# D. Enablement of ArthroCare's Patent

10. Do you find that Smith & Nephew has shown by clear and convincing evidence that the following claims are invalid for lack of enablement? (A "YES" answer to this question is a finding for Smith & Nephew. A "NO" answer is a finding for ArthroCare.)

	Chime is	
<b>'882</b>	13, 17, 54	YES NO

Each Juror should sign the verdict form to reflect that a unanimous verdict has been reached.

Dated: May 12, 2003

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and Hansa

John S. Oahor